

CITY COUNCIL AGENDA

FEBRUARY 14, 2006

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ, VICE MAYOR
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
MADISON P. NGUYEN
DAVID D. CORTESE
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:36 a.m. - Closed Session, City Hall Tower, 18th Floor, City Hall
Absent – Council Members: None.

1:32 p.m. - Regular Session, Council Chambers, City Hall
Absent – Council Members: None.
- **Invocation (District 2)**
Father John Pettigo, St. Julie Church delivered a word of prayer, entitled:
“Prophets of our future, not our own”.
- **Pledge of Allegiance**
Mayor Gonzales led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.

1. CEREMONIAL ITEMS

Ex-Councilman John Diquisto thanked the City of San Jose for their assistance and efforts with the Baja Sur Project and the contributions made to build their community.

- 1.1** Presentation of a proclamation to Interfaith Services Inc. Airport Chaplaincy for their service and dedication to our community. (Airport)
Mayor Gonzales and Council Member Reed presented a proclamation to Interfaith Services, Inc. Airport Chaplaincy for their service and dedication to the community.
- 1.2** Presentation of a commendation celebrating Downtown Ice’s 10th Anniversary of providing fun and frivolity for all. (Chavez)
Mayor Gonzales and Vice Mayor Chavez presented a commendation celebrating Downtown Ice’s 10th Anniversary.

1. CEREMONIAL ITEMS

- 1.3 Presentation of a commendation to the San José Junior Sharks in recognition of their outstanding success. (Chavez)
HEARD IN THE EVENING
Deferred to 3/7/06.
- 1.4 Presentation of a commendation to Cirque du Soleil for its dedication to at-risk youth in the community. (Mayor)
Mayor Gonzales presented a commendation to Karen Gay, Alissa Koff-Ginsburg and Michelle Colbert of Cirque du Soleil for its contribution to at-risk youth in the community.

2. CONSENT CALENDAR

- 2.1 **Approval of Minutes.**
None.
- 2.2 **Final adoption of ordinances.**
None.
- 2.3 **Approval to submit a grant application for a fire truck for the Airport.**

Recommendation: Adoption of a resolution authorizing the City Manager to apply for, accept and execute upon receipt, a grant from the Federal Aviation Administration to be used to acquire a fire truck for the Norman Y. Mineta San Jose International Airport, in an amount in excess of the City Manager's contract authority of \$100,000. (Airport)
Resolution No. 73061 adopted.
Staff will provide info memo outlining Airport Fire Station needs.
- 2.4 **Acceptance of the Office of the City Auditor's Report.**

Recommendation: Acceptance of the Office of the City Auditor's *Report of Activities and Findings for the Period December 16, 2005 through January 15, 2006.* (City Auditor)
(Rules Committee referral 2/1/06)
The Report was accepted.

2. CONSENT CALENDAR

2.5 Acceptance of the Bay Area Air Quality Management District grant funds to retrofit diesel powered vehicles.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to accept a grant and execute all documents necessary to effectuate the grant from the Bay Area Air Quality Management District (BAAQMD) to be used to retrofit diesel powered vehicles operated by the City of San José in an amount not to exceed \$206,550, not including the required local match of \$22,950, with a project completion date of January 2007.

Resolution No. 73062 adopted.

- (b) Adoption of the following Appropriation Ordinance and Funding Source Resolution amendments to the Vehicle Operations and Maintenance Fund:
 - (1) Establish an appropriation to the General Services Department for the Clean Air Heavy Vehicles Retrofit project in the amount of \$206,550.
 - (2) Increase the estimate for Earned Revenue by \$206,550.

CEQA: Not a Project. (City Manager's Office/General Services)

Ordinance No. 27663 adopted.

Resolution No. 73063 adopted.

2.6 Approval to amend an agreement with Baseball Acquisition Company, Inc.

Recommendation:

- (a) Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the existing agreement with Baseball Acquisition Company, Inc. (BAC) to:
 - (1) Authorize BAC to manage the purchase and installation of a new core scoreboard at San Jose Municipal Stadium assuming all costs, subject to City's reimbursement of up to \$40,000 in costs to BAC, plus the City's payment of up to \$10,000 for the Department of Public Works review and inspection costs;
 - (2) Allow BAC at its sole cost, to manage the purchase and installation of an enhanced video board and associated advertisement panels to add to the core scoreboard;
 - (3) Expand the defined parking area by approximately 30,000 square feet; and
 - (4) Extend the term of the agreement 24 months to October 1, 2009.

Resolution No. 73064 adopted.

(Item continued on next page.)

2. CONSENT CALENDAR

2.6 Approval to amend an agreement with Baseball Acquisition Company, Inc. (Cont'd.)

Recommendation:

- (b) Adoption of the following Appropriation Ordinance amendments in the Park City-wide Construction and Conveyance Tax Fund (Fund 391):
- (1) Establish an appropriation to the Parks, Recreation and Neighborhood Services Department for \$50,000 for the Municipal Stadium Scoreboard Improvements Project; and
 - (2) Decrease the Ending Fund Balance by \$50,000.

Council District: 7. CEQA: Exempt, PP06-016. (Parks, Recreation and Neighborhood Services)

Ordinance No. 27664 adopted.

2.7 Approval to set a Public Hearing for the reorganization of territory designated as McKee No. 128.

Recommendation: Adoption of a resolution initiating proceedings, amending San José City Council Resolution No. 72871, adopted August 30, 2005 that ordered the reorganization of the territory designated McKee No. 128, comprised of 1.19 gross acres of land more or less, located on the east side of Kirk Avenue, approximately 110 feet southerly of Summit Avenue and adjacent to the City of San Jose annexations McKee Nos. 117 and 40 and the detachment of the same from Central Fire Protection, Area No. 01 (Library Service) County Service Districts, and Sanitation District 2-3, to include the detachment of the same from County Lighting County Service District and setting February 28, 2006, at 1:30 p.m. for Council consideration on the amended reorganization. Council District: 5. CEQA: Resolution No. 65459, File No. C04-090. (Planning, Building and Code Enforcement)

Resolution No. 73065 adopted.

2.8 Approval to set a Public Hearing for the reorganization of territory designated as Sunol No. 71.

Recommendation: Adoption of a resolution initiating proceedings and setting February 28, 2006, at 1:30 p.m. for Council consideration on the reorganization of territory designated as Sunol No. 71 which involves the annexation to the City of San José of 0.15 acres of land more or less, located at the east side of Grand Avenue approximately 350 feet southerly of Park Avenue and adjacent to the City of San José annexation Sunol No. 60 and the detachment of the same from Sunol Sanitary, County Lighting County Service, Central Fire Protection and Area No.01 (Library Service) County Service Districts. Council District: 6. CEQA: Resolution No. 65459, File No. C05-092. (Planning, Building and Code Enforcement)

Resolution No. 73066 adopted.

2. CONSENT CALENDAR

2.9 Approval to set a Public Hearing for the reorganization of territory designated as Sunol No. 65.

Recommendation: Adoption of a resolution initiating proceedings and setting February 28, 2006, at 1:30 p.m. for Council consideration on the reorganization of territory designated as Sunol No. 65 which involves the annexation to the City of San José of 0.15 acres of land more or less, located at the east side of Grand Avenue approximately 350 feet southerly of Park Avenue and adjacent to the City of San José annexation Sunol No. 60 and the detachment of the same from Sunol Sanitary, County Lighting County Service, Central Fire Protection and Area No.01 (Library Service) County Service Districts. Council District: 6. CEQA: Resolution No. 65459, File No. C02-012. (Planning, Building and Code Enforcement)

Resolution No. 73067 adopted.

2.10 Approval of a Grant Funding Agreement for Pedestrian Facilities Planning.

Recommendation: Approval of a grant funding agreement with the Santa Clara Valley Transportation Authority in the amount of \$150,000 to the City for the preparation of a Pedestrian Master Plan and an Americans with Disabilities Act Transition Plan Update of Citywide sidewalk improvements. CEQA: Not a Project. (Transportation)

Approved.

2.11 Approval of actions to submit and receive a grant from the National Institute of Justice, an Agency of the United States Department of Justice, to support the Mayor's Gang Prevention Task Force and enhance efforts to reduce gang violence in the community.

Recommendation: Adoption of a resolution authorizing the City Manager or designee to do the following:

- (a) Submit a grant application to the Federal National Institute of Justice (NIJ), an Agency of the United States Department of Justice, to support the efforts of the Mayor's Gang Prevention Task Force.
- (b) Accept the grant, if awarded, in an amount not to exceed \$250,000.
- (c) Negotiate and execute any related documents.

(Mayor)

(Rules Committee referral 2/8/06)

Dropped.

2.12 Approval to nominate the Montgomery Hotel for the National Register of Historic Places.

Recommendation: Adoption of a resolution recommending the nomination of the Montgomery Hotel for listing on the National Register of Historic Places. Historic Landmarks Commission recommends adoption (7-0-0). CEQA: Not a Project. Council District: 3. (Historic Landmarks Commission)

Resolution No. 73068 adopted.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session

Mayor Gonzales, Chair

None

3.2 Report of the Rules Committee – February 1, 2006

Vice Mayor Chavez, Chair

(a) Redevelopment Agency items reported out at Redevelopment Agency meeting

(b) City Council

(1) Review February 14, 2006 Draft Council Agenda

The Committee recommended approval of the February 14, 2006 City Council Agenda with three additions.

(2) Add New Items to February 7, 2006 Council Agenda

The Committee recommended eight additions to the February 7, 2006 City Council Agenda.

(3) List of Reports Outstanding

The Committee noted and filed the City Manager's Report.

(c) Legislative Update

(1) State

There was no report.

(2) Federal

The Committee accepted the oral report.

(d) Meeting Schedules

There were none.

(e) The Public Record

The Committee noted and filed the Public Record.

(f) Appointments to Boards, Commissions and Committees

There were none.

(g) Rules Committee Reviews, Recommendations and Approvals

There were none.

(h) Open Forum

Bill Chew, requested documents used in the Rules Committee meeting to be made viewable to television viewers.

(i) Adjournment

The meeting adjourned at 2:34 p.m.

The Rules Committee report and actions of February 1, 2006 were accepted.

3. STRATEGIC SUPPORT SERVICES

- 3.3 Report of the Making Government Work Better Committee**
Council Member Reed, Chair
None.

3.4 Approval of the 2005-2006 Mid-Year Budget Review Report.

Recommendation:

- (a) Approval of the 2005-2006 Mid-Year Budget Report.
Approved.
- (b) Adoption of related appropriation ordinance and funding sources resolution amendments for the 2005-2006 Mid-Year Budget Review.
Ordinance No. 27665 adopted.
Resolution No. 73069 adopted.
- (c) Addition of 10.37 net additional positions detailed in the 2005-2006 Mid-Year Budget Review
Approved.
- (d) Adoption of a resolution making certain determinations regarding the expenditure of Redevelopment Agency funds on certain public improvements.
CEQA: Not a Project. (City Manager's Office)
Resolution No. 73070 adopted.
- Council approved a memorandum from Council Member Reed, dated February 10, 2006, recommending a modification to the City Hall Special Events Fee Reduction Policy to include events, workshops and meetings held on the weekends and holidays.**
- Direction given to staff to:**
- (1) Maintain the budget cap at \$50,000 for Special Events Fee Reductions and let the Council know via an info memo if/when the cap is reached.**
 - (2) Look for any funds available to address urgent public safety needs, (i.e., railroad crossings), especially for emergency situations.**
 - (3) Provide follow-up information relative to the ending fund balance and clarify what is meant by "one-time" and "on-going".**
 - (4) The Mayor's Office will re-examine the methodologies used for the proposed reductions to Council Office re-budgets.**

4. COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 Report of the Building Strong Neighborhoods Committee**
Council Member Chirco, Chair
None.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.2 Report of the Driving a Strong Economy Committee – January 30, 2006

Council Member Williams, Chair

- (a) Small Business discussion regarding the Ambassador Program Status and the Workforce Investment Network Study Assessing What Small Businesses Need (Deferred from 12/14/05)
The Committee accepted the report and cross-referenced it to the full council.
- (b) Sports Progress Report
(Deferred from 12/14/05)
The Committee accepted staff's report.
- (c) Economic Impact of Downtown Entertainment and Cultural Events
(Deferred from 12/14/05)
The Committee accepted staff's report.
- (d) Joint Venture Silicon Valley Indicators
The Committee asked Russell Hancock, CEO and President of Silicon Valley Joint Venture, to prepare a presentation for the committee on the services Silicon Valley Economic Development Alliance offers and present it at a future Committee meeting.
- (e) Small and Local Business Contracting Update
The Committee accepted the report and cross-referenced it to the full Council.
- (f) Small Business Commission Work Plan Review
The Committee deferred this item to the February 27, 2006 committee meeting.
- (g) Oral Petitions
Bill Chew, Council Candidate, stated San José is the best place to live and do business.
- (h) Adjournment
The meeting was adjourned at 4:23 p.m.

The Driving a Strong Economy Committee report and actions of January 30, 2006 were accepted with direction to Staff to ensure all memos and reports provided at the Committee meetings be made available to Council and to augment the minutes to include all discussion regarding Items 4.2(b) and (c).

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 Appointment of individuals to the San José Medical Center Stakeholder Advisory Committee.

Recommendation: Appointment of individuals to the San José Medical Center Stakeholder Advisory Committee and direction to Staff to work together with the Committee and consultants to conduct the San José Medical Center Land Use Healthcare Study. (Planning, Building and Code Enforcement)
(Deferred from 2/7/06 – Item 4.3)

TO BE HEARD IN THE EVENING

Deferred to 2/28/06.

5. NEIGHBORHOOD SERVICES

5.1 Report of the All Children Achieve Committee Council Member Yeager, Chair None.

5.2 Approval of actions related to the Boys and Girls Club of Silicon Valley.

Recommendation: Approval to not proceed with a real estate exchange between the City of San Jose and the Boys & Girls Clubs of Silicon Valley (B&GC), and adoption of a resolution authorizing the City Manager to negotiate and execute a revised lease for the City's Japantown property, with a term through February 1, 2007, and direction to staff regarding further actions. CEQA: Not a Project. (City Manager's Office/Parks Recreation and Neighborhood Services)

Deferred to 2/28/06.

5.3 Approval to award a contract for Fowler Creek Park Development Phase I Project.

Recommendation: Report on bids and award of contract for the Fowler Creek Park Development Phase I Project to the low bidder, Granite Rock Company DBA Pavex Construction Division, to include the base bid and Add Alternate Nos. 1 and 2, in the amount of \$3,394,750, and approval of a contingency in the amount of \$340,000.

CEQA: Addendum to an EIR, Resolution No. 63179, File No. PP03-09-288. Council District: 8. (Public Works/Parks, Recreation and Neighborhood Services)

Approved.

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Building Better Transportation Committee Council Member Campos, Chair None.

6. TRANSPORTATION & AVIATION SERVICES

6.2 Approval of an agreement for the purchase of Technical Systems for the Airport IT Masterplan.

Recommendation: Adoption of a resolution authorizing the Director of Finance to:

- (a) Negotiate and execute an agreement with Air-Transport IT Services, Inc. for the purchase of technology and Integrated Systems for the Norman Y. Mineta San José International Airport, in an amount not to exceed \$6,492,877 including all hardware, software, the first year of support and professional services required to implement the system, and all applicable sales taxes.
- (b) Execute four, one-year options for ongoing maintenance and support without further Council action other than the appropriation of funding, as follows: Year 2: \$576,371.00; Year 3: \$604,903.00; Year 4: \$634,920.00; Year 5: \$666,507.00; and
- (c) Execute change orders in an amount not to exceed \$850,000.00 as contingency to cover unanticipated changes in the system design and/or installation.
(Airport/Finance)

Deferred to 2/28/06.

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 Approval of revisions to the Recycle Plus Rates.

Recommendation:

- (a) Conclude the Public Hearing on proposed Recycle Plus rate increases to be effective April 1, 2006, and on potential increases for Fiscal Years 2006-07 and 2007-08.
- (b) Adoption of a resolution revising Recycle Plus rates for integrated waste management services beginning April 1, 2006, increasing single-family rates by 5% and multi-family rates by 2%.

CEQA: Not a Project. (Environment Services)

Deferred to 2/28/06.

7.2 Approval to amend the Utility Agreement for mitigation of impacts to the City's Sanitary Sewer System.

Recommendation: Approval of the first amendment to the utility agreement between the California Department of Transportation (Caltrans) and the City of San José to increase Caltrans' reimbursement of costs to the City by \$2,022,500 for a total reimbursement amount of \$6,993,000, for the mitigation of impacts to the City's sanitary sewer system associated with Route 87 Project (Julian to 101). Council District: 3.

CEQA: Mitigated Negative Declaration, File No. PP03-12-378. (Transportation)

Approved.

8. PUBLIC SAFETY SERVICES

8.1 Acceptance of the 2005 Annex A update on the roles of elected officials during declared disaster.

Recommendation: Acceptance of the 2005 Annex A update on the roles of elected officials during declared disasters as part of the City's Emergency Operations Plan.

CEQA: Not a Project. (Emergency Services)

(Deferred from 1/10/06 – Item 8.1)

Deferred to 2/28/06.

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

The Redevelopment Agency Board convened at 3:09 p.m. to consider Item 9.1 in a Joint Session.

9.1 Approval of various actions related to Downtown Cleaning Efforts.

Recommendation:

- (a) Acceptance of the report on Downtown Cleaning Actions and Strategies, and direction to staff to pursue the various strategies presented in the report to improve Downtown cleanliness.

The report was accepted.

- (b) Adoption of the following Appropriation and Funding Sources Resolution amendments in the General Fund:

- (1) Establish a Citywide appropriation to the Department of Transportation for Blight Abatement Services (PSM 461 #1) in the amount of \$120,000.
- (2) Increase the estimate for Earned Revenue by \$120,000.

CEQA: Not a Project. Council District: 3. (City Manager's Office/Redevelopment Agency)

Ordinance No. 27665.1 adopted.

Resolution No. 73071 adopted.

Staff directed to review impacts to the Downtown San José area due to reduction of Sheriff patrolling, to better coordinate trash pickups after Downtown events, to look into Conservation Corp. performance issues, and evaluate effectiveness of street sweeping in the downtown.

The Redevelopment Agency Board portion of the meeting adjourned at 3:38 p.m.

- **Closed Session Report**

None.

- **Notice of City Engineer's Pending Decision on Final Maps**

None.

- **Notice of City Engineer's Award of Construction Projects**
None.

- **Open Forum—**
 - (1) Bill Chew announced his candidacy for Council District 3.**
 - (2) Robert Apgar expressed personal commentary.**
 - (3) Ross Signorino spoke to his candidacy for Council District 1.**
 - (4) Mark Trout shared personal viewpoints.**

- **Adjournment**
The Council of the City of San José adjourned at 4:15 p.m.